

MIDTERM: POINTERS TO TREVIEW

KATARUNGANG PAMBARANGAY or Barangay Justice System

BASIC LEGAL TERMS

- **COMPLAINT** – a sworn written statement charging a person with an offense, signed by offended party, peace officer, or public officer.
- **INFORMATION** – a written accusation filed by a prosecutor in court.
- **AFFIDAVIT** – a sworn written statement of facts.
- **TESTIMONY** – oral statement given under oath.

Legal Basis: RA 7160 (The Local Government Code of 1991).

Goal: Promote peace & order through amicable settlement.

Mandatory: Disputes between residents of the same city/municipality must go through barangay conciliation before court.

Certificate to File Action – issued when no settlement is reached.

Repudiation – cancel agreement within 10 days if obtained by fraud, force, intimidation.

- **Parties must appear in person, without lawyers.**
- **Lupon Tagapamayapa (Lupon):**
 - **Chair: Punong Barangay**
 - **Members:** 10–20 chosen
 - **Term:** 3 years (same as Punong Barangay)
 - **Function:** settlement of disputes
 - **Members must be residents of barangay, with integrity/fairness, not disqualified by law.**
 - **Disqualified:** Active military personnel.
 - **Barangay Secretary attests Lupon appointments.**

Pangkat ng Tagapagkasundo – formed if mediation by Punong Barangay fails within 15 days.

Nature: Not meant to punish, but to settle disputes peacefully.

Proceedings: Must be **in a language understood by both parties.**

Settlement Agreements: Must be **written and signed**, binding upon the parties.

Exemptions from Katarungang Pambarangay (cases that don't go through barangay conciliation):

- Offenses punishable by more than 1 year imprisonment or ₱5,000 fine.
- Cases with government as a party.
- Cases involving parties who reside in different cities/municipalities (unless adjoining).
- Offenses requiring urgent legal action (e.g., habeas corpus).

ROLE OF OFFICIALS

- **Punong Barangay:** Mediator, Chair of Lupon.
- **Lupon Members:** Chosen for Integrity, Fairness, and Impartiality.
- **Barangay Secretary:** Keeps records, attests appointments.

- **City/Municipal Prosecutor:** Provides legal advice to Punong Barangay and Lupon.

PROCEDURES:

1. **Filing of Complaint** – written or oral, filed with Punong Barangay.
2. **Mediation by Punong Barangay** – within **15 days**.
3. If unresolved → formation of **Pangkat ng Tagapagkasundo**.
4. If still unresolved → issuance of **Certificate to File Action**.

CRIMINAL PROCEDURE REMINDERS

- **Arraignment:** Accused must be informed of the charge in a language known to them.
- If the accused refuses to plead → **court enters Not Guilty plea**.
- No trial without arraignment.

COURTS & JURISDICTION

- **MTCs (Municipal Trial Courts)** – lower level courts.
- **RTCs (Regional Trial Courts)** – formerly Court of First Instance.
- **Court of Appeals** – appellate jurisdiction, reviews RTC decisions.
- **Sandiganbayan** – special court for graft/anti-corruption.
– tries Anti-Graft cases involving public officials.
- **Supreme Court** – highest court in the land, **final arbiter**.
- composed of **1 Chief Justice + 14 Associate Justices**

NOTE: No trial can begin unless the accused is **ARRAIGNED**.

JUSTICE APPROACHES

- **RESTORATIVE JUSTICE:** is an approach to crime that focuses on repairing the harm caused to victims and communities by treating the crime as a violation of people and relationships, rather than just the law.
- Crime = violation of relationships.
- Focus = healing, accountability, reconciliation.
- Victim, offender, and community all involved.
- Community role = rebuild trust, strengthen responsibility.
- Apology alone is NOT enough (must include restitution/reparation).
- **RETRIBUTIVE JUSTICE:** is a theory of punishment that focuses on giving offenders punishment proportional to the wrong they have committed, often expressed as "paying a debt to society" or receiving their "just deserts".

PRINCIPLE: proportional punishment ("just deserts").

WEAKNESS: neglects victims' emotional needs, focuses only on punishment.

Best example: "An eye for an eye, a tooth for a tooth." - the punishment should be equal or proportional to the offense committed.

Deterrence & incapacitation are secondary goals.

ETHICAL PRINCIPLES IN BARANGAY JUSTICE

- **Integrity** – doing what is right, impartiality.
- **Confidentiality** – respect privacy of parties.
- **Avoiding Conflict of Interest** – don't handle cases where you have personal ties.
- **Commitment** – duty to serve community fairly.

ADDITIONAL:

- Who **cannot** be Lupon members? (Active Military Personnel, etc.).
- What documents must be **written**? Settlements, Certificates.
- Know Differences between **Restorative vs Retributive Justice**.
- Understand the **difference between**:
 - **Litigation**
 - **Arbitration**
 - **Mediation**
 - **Conciliation**.